

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

November 13, 2020

David J. Bradley, Clerk of Court

United States of America

v.

ELADIO GONZALEZ

Case No. **4:20mj2302**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 12, 2020 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 18, USC, § 922(o)

Possession of a Machinegun

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.*Complainant's signature*

ATF S/A Dominic Rosamilia

Printed name and title

Sworn to by telephone.

Date: November 13, 2020City and state: Houston, Texas*Judge's signature*

Christina A. Bryan, United States Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN THE MATTER OF THE	§	
ARREST OF:	§	
Eladio GONZALEZ	§	MAGISTRATE NO.
	§	

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Dominic Rosamilia, Affiant, having been duly sworn, do hereby state the following:

A. Introduction and Agent Background:

1. I am an investigative or law enforcement officer within the meaning of Section 2510(7) of Title 18, United States Code, that is an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

2. I am a Special Agent (SA) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since April of 2009. I graduated from the Federal Law Enforcement Training Center and the ATF National Academy in Glynco, Georgia. I am presently a member of Houston Group II of the ATF. As a Special Agent of the ATF, my duties and responsibilities include conducting criminal investigations of individuals and entities for possible violations of federal laws, particularly those laws found in Titles 18 and 26 of the United States Code. I have received additional law enforcement training at Chesterfield County Police Department. I was employed by Chesterfield County Police for thirteen years. While at Chesterfield County

Police Department I attained the rank of sergeant, and was assigned to investigations, vice and narcotics, community policing, and patrol. I have instructed several topics throughout the state of Virginia to include Search and Seizure, and Basic Law. I have requested and executed over 100 search warrants. I am a graduate of the State University of New York at Buffalo with a bachelor degree in Health and Human Services.

3. My current assignment with Houston Group II, involves the investigation of individuals who traffic firearms, violent criminals, and criminal organizations such as street gangs and drug trafficking organizations. I have used cooperating informants, undercover agents, pen register/trap and trace devices, video surveillance, wiretaps, GPS tracking devices, and audio surveillance, among other law enforcement techniques, in the course of my career with ATF. As a sworn officer your Affiant is authorized to investigate violations of laws of the United States, and is a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

4. The facts contained in this affidavit are based upon information provided to me by other law enforcement officers, other witnesses, and my own personal knowledge. Since this affidavit is made for the limited purpose of supporting a Criminal Complaint, I have not set forth each and every fact learned during the course of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause for the crimes charged. Unless otherwise indicated, where actions, conversations, and statements of others are related herein, they are related in substance and in part only.

5. This affidavit is being submitted in support of a criminal complaint and arrest warrant. Your Affiant states that there is probable cause to believe that Eladio GONZALEZ

has committed the offense of Possession of a machinegun, as the term “machinegun” is defined in Title 26, United States Code, § 5845(b), to wit: any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger, and the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person, in violation of Title 18, United States Code, § 922(o).

B. Facts Supporting Probable Cause:

6. A “Glock switch” is an independently manufactured and sold part which can be easily attached to any Glock handgun, thereby converting the semi-automatic handgun into a fully automatic machinegun.

7. On November 12, 2020, Texas DPS conducted a traffic stop on a silver 2010 Buick, bearing Texas license plate KJG4996, registered to Eladio GONZALEZ. The traffic stop occurred at Interstate 59 and Bellaire Boulevard in Houston, Texas. The lone occupant of the vehicle was the registered owner of the vehicle, Eladio GONZALEZ. After checking GONZALEZ’ driver’s license to check for any outstanding warrants, the trooper discovered that GONZALEZ did have several outstanding traffic warrants. The DPS trooper took GONZALEZ into custody and then conducted an inventory search of the vehicle prior to having it towed. In an after market trap between the two front seats, the DPS trooper found a plastic bag containing 20 Glock switches.

8. ATF was contacted and a search was conducted for a grant of authority by the United States or any department or agency thereof or a State or department, agency, or political subdivision thereof, allowing GONZALEZ to possess the Glock switches. No record of such a grant of authority could be found.

C. Conclusion:

Based on the foregoing facts, your affiant believes that probable cause exists for the issuance of a complaint and arrest warrant for Eladio GONZALEZ charging him with Possession of a Machinegun, in violation of Title 18, United States Code, § 922(o).



ATF S/A Dominic P. Rosamilia

Sworn telephonically before me on this the 13th day of November, 2020, I find probable cause.



CHRISTINA A. BRYAN
United States Magistrate Judge